

Meeting Minutes October 21, 2004

Town of Los Altos Hills City Council Regular Meeting

Thursday, October 21, 2004 6:00 P.M.

Bullis School Multi-Purpose Room, 25890 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor O'Malley called the Regular Meeting of the City Council to order at 6:00 p.m. in the Bullis School Multi-Purpose Room at Town Hall Temporary Offices.

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Emily Cheng, Councilmember Bob Fenwick, and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, Assistant City Attorney John Bakker, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Public Safety Officer Steven Garcia and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 The Health Trust – Cynthia York, Director of Community Wellness Program of the HealthTrust

Cynthia York, The Health Trust of Santa Clara County, addressed Council. She presented a brief overview of the organization's programs they provide for the County's underserved and their many healthcare services. Their programs included: Community Wellness, Children's Dental Initiative, Community Health Promotions and Meals on Wheels. Ms. York explained that she was before Council to give them an update on the 2004-2005 Flu Season and the availability of the flu vaccine. The Health Trust during a normal flu season would administer approximately 40,000 doses of vaccine but due to supply problems this year, they would be coordinating with the County to distribute the few doses they receive to health care facilities and skilled nursing homes. She acknowledged that only high-risk populations should receive the vaccine and encouraged the Council to help "spread the word" that healthcare providers would be focusing their resources on those groups. She reviewed tips for staying healthy this winter noting that the most important was to "wash your hands often".

Council thanked York for her presentation.

2.2 Adobe Creek Collaborative Residents Presentation of Adobe Creek Upper Reach 5 Restoration Project and Collaborative Principles-Jitze Couperus

Jitze Couperus, resident member of the Adobe Creek Upper Reach 5 Collaborative, addressed Council. He explained that he would be presenting a summary of the project that would be followed by a more detailed presentation by the Santa Clara Valley Water District at the next City Council meeting. Couperus noted that the Collaborative, composed of creekside residents, the Town of Los Altos Hills, City of Los Altos, the District, the affected regulatory agencies and other interested parties, had held numerous full meetings and many smaller meetings and have made excellent progress on the project. They are nearing completion. All factions have agreed to support a less than 100 year flood project plan. He thanked City Manager Cassingham for her support and attendance at the meetings. Couperus added that this was an important component to their success and a solid indication of the Town's commitment for the project.

Couperus added that as the final stage of the project, the Water District would be seeking the Council's acceptance and endorsement of the Principles document and support for the Collaborative process. This would formalize the collaborative, establish the expectations of all involved and define the roles and responsibilities for its members. He reviewed the responsibilities as identified in the document.

Mayor O'Malley congratulated the Collaborative resident members on the success of their endeavors. He added that the District is now embracing the concept of a less than 100-year flood standard introduced by the Collaborative.

2.3 Appointment to the Finance and Investment Committee – 3 vacancies

Karl Knipe, applicant, introduced himself to Council. He presented a brief summary of his background in finance and accounting and expressed his interest in serving on the Finance and Investment Committee.

Council thanked him for his application.

PASSED BY CONSENSUS: The City Council unanimously agreed to appoint Karl Knipe to serve on the Finance and Investment Committee for a term of four years.

3. PLANNING COMMISSION REPORT

None

4. CONSENT CALENDAR

Items Removed: 4.1 Warshawsky

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Kerr and passed unanimously, to approve the remainder of the consent calendar, specifically;

4.2 Review of Disbursements: 09/30/2004 – 10/04/2004 \$27,489.54

- 4.3 Notification of Fast Track Approval: Request for a Site Development Permit for a 1,925 square foot Addition (maximum height 26') and Major Remodel; Lands of Eggers and Goumas, 12051 Moody Springs Court (120-04-ZP-SD-GD)
- 4.4 Notification of Fast Track Approval: Request for a Site Development Permit for a 1,146 square foot Addition (maximum height 26'10"); Lands of Jacobson, 27950 Roble Alto (150-04-ZP-SD-GD)
- 4.5 Approval of Resolution Adopting Roadway Impact Fees – Resolution No. 68-04
- 4.6 Grant of Conservation Easement; Lands of Shimmon, 24301 Elise Court – Resolution No. 69-04
- 4.7 Request for Time Extension of Site Development Permit, Lands of Shimmon, 24301 Elise Court (202-02-ZP-SD)

Item Removed:

- 4.1 Approval of Minutes: Regular City Council Meeting October 7, 2004
Special City Council Meeting October 7, 2004

Councilmember Warshawsky noted the date reflected in the Regular City Council Meeting minutes for October 7, 2004 on Page 7, second to last paragraph regarding the District's expected plan should be December or January. Staff responded that they would review the meeting tapes for further clarification. Following the review, the minutes have been amended to read: " Warshawsky reported that the District expected to have a plan by November/at the end of the calendar year to return public education to Los Altos Hills ..."

Councilmember Fenwick noted that the Special Meeting minutes were erroneously dated November 7, 2004 in the heading.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the meeting minutes as amended.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Complete Town Hall On Time and On Budget

5.1.1a TBI Update

Tony Vierra, TBI Construction, presented a status report to Council on the new Town Hall Project. Contractors are continuing the wood framing of the facility and the steel delivery is expected in early November. TBI was building a Hardi-panel mock-up that would be available for review at the next New Town Hall Committee meeting. Vierra reported that project Landscape Architect Tom Klope had begun the landscape design

and would be working closely with the Landscape Subcommittee. The new Town Hall project is on target for a completion date of March 15, 2005.

Mayor Pro Tem Kerr reported that he had meet with the solar contractor and completed the design review. Kerr explained that the green energy project goals are to build as large and effective solar system as possible without spending any of the Town's reserves. At this stage, they are reviewing screening requirements and evaluating newer technology for the solar panels. He expected that a final design be ready for the next Town Hall Committee meeting.

5.1.2 Identify and Fund Underground Project

Councilmember Warshawsky reported that he and Steve Schmidt had met with City Manager Maureen Cassingham and City Engineer Dave Ross to discuss the staff's involvement with the Undergrounding project. He noted that Ross's firm, Mark Thomas & Company, had been responsible for a similar undergrounding project in Santa Cruz. Ross explained that the project was completed approximately two to three years ago at a cost of \$1.7 million dollars for three miles of undergrounded utilities. He was comfortable with the budget that had been proposed by the Undergrounding Subcommittee. Ross added that Santa Cruz had acted as the trenching agent with the assistance of Mark Thomas as their consultant and suggested that the Town might consider this approach to expedite the process.

5.1.3 Complete Master Pathway Map

Chris Vargas, Pathways Chair, summarized the recent progress made by the Committee on the Master Pathways Map. The working map has been revised to remove the beige layer and he considered the new format more readable. The Pathways Committee was scheduled to meet every two weeks and was reviewing the paths in clusters. Prior to each meeting, the Committee had a walk of the path with interested residents. They expect to complete this phase of the map update by December 6, 2004. Vargas requested Council consideration to hire a professional minute taker to assist the Committee.

Council agreed to his request and directed staff to assist Vargas.

Councilmember Cheng asked if the Committee is taking into consideration what the residents who are being required to give easements are saying during the Saturday site visits. She questioned the purpose of the walks, if the Committee members are not willing to listen to the input.

Vargas responded that he believed the process was open and fair and that residents should understand that some paths have a community value beyond what the property owners want. He believed it was important to take a long-term approach to the map.

- 5.2 Approval of Purchase for Ford Escape Hybrid Vehicle to Replace Staff Vehicle, Approval of Additional Appropriation for Purchase of the Vehicle, and Update on Application for Grant from the Bay Area Air Quality Management District (continued from 10/7/04)

Acting City Engineer Dave Ross introduced this item to Council. He explained that staff had received quotes from Bay Area Dealerships for the Ford Escape Hybrid. The quote summary was attached to the staff report before Council. Staff had also advertised the notice for bids in the newspaper. Ross explained, that at this time, staff recommended that Council consider moving forward with the purchase of the hybrid replacement car noting that the Town's existing staff car has extensive deferred maintenance.

Mayor Pro Tem Kerr commented that the purchase of the hybrid car was an important element to his Green Energy initiative he would like to engage during his term as Mayor. Kerr noted that due to the enormous popularity of the hybrid vehicles, many dealers are adding additional costs to the car but the replacement car is being purchased for fair market value without any dealer mark-up. He encouraged Council to support the purchase.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 70-04 authorizing the purchase of a Ford Escape Hybrid.

6. NEW BUSINESS

6.1 Presentation of Storm Drainage Master Plan – Nolte Associates

Acting City Engineer Dave Ross introduced this item. He explained that this was the third document that had been presented to Council during the development of the Storm Drainage Master Plan report. The draft report before Council included all of the previously presented information.

Ross introduced Tracie Sakakihara and George Otte, the management team from Nolte Associates to Council. Nolte Associates were the consulting firm that had assisted the Town in the preparation of the Storm Drainage Master Plan. Ross presented a brief power point presentation that summarized the draft report. The project goals were twofold: 1) to investigate what it would require to repair and rehabilitate the Town's storm water drainage system; and 2) to develop a long range strategic plan. The key elements in the preparation of the plan included: data collection, field investigations, problem prioritization, recommendations for the Capital Improvement Program (CPI) budget and Stormwater C.3 requirements. Ross reviewed each element with Council noting that the Town's Sanitary Sewer Master Plan had been prepared with the same mapping system so that the two can be layered together for a GIS database system. He explained that the recommendations for the CPI included twenty-eight (28) drainage projects at an estimated cost of \$1.925 million or \$200,000 per year over ten (10) years. He added that the projection for repairs was substantially lower than many similar communities. Ross acknowledged that staff would return to Council for approval of all projects.

Ross briefly described the Stormwater C.3 requirement. This is a regional requirement that had been implemented by the Town's Planning and Engineering staff as a requirement for property site development. The requirement calls for a retention system to retain/detain peak water flow on development that includes impervious coverage.

Council briefly discussed the report and findings

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Cheng and passed unanimously to approve Resolution No. 71-04 adopting the Town of Los Altos Hills Storm Drainage Master Plan.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported on the recent meeting with Comcast for the purpose of negotiating the franchise agreement. Fenwick, City Manager Cassingham and Carl Pilnick, TMC, telecommunications consultant, represented the Town in the discussions. Their meeting focused on the issues of 1) the term of the franchise agreement; 2) universal service; 3) funds for television system/equipment for the new Town Hall; and 4) the provision of an educational and government access channel. Fenwick explained that he was not optimistic after the discussions.

City Manager Cassingham explained that a response letter to Comcast's terms was being prepared and would be communicated to them next week.

Mayor Pro Tem Kerr commented that he was aware that several surrounding communities have been in negotiations with Comcast for several years. He asked if there would be any advantage to joining forces with other cities to negotiate the agreement.

Fenwick explained that the Town was depending on the consultant to assist with the process. Cassingham added that she would explore the issue with Mr. Pilnick to see if there was any value in cities negotiating together but added that the franchise terms for each city would be different and each municipality would be negotiating for the most beneficial terms for their constituents. She explained that the Federal Communications Act of 1996 limits the Town in their negotiating efforts.

Mayor O'Malley asked for direction from the Acting City Attorney John Bakker on the appropriateness of a Closed Session to discuss the negotiations. Bakker agreed to explore the option. Consultant, Carl Pilnick would be included in the closed session discussions.

Councilmember Cheng reported that she had attended a Parks and Recreation Committee meeting. Several holiday events have been scheduled and the planning for summer programs was under way.

7.1 Discussion of Council Position Re: Reopening of Bullis Purissima School as Public/Los School District School by Council Subcommittee (Cheng and Warshawsky)

Councilmember Warshawsky explained that he had requested this item be agendaized to garner Council input on several questions that had arisen since the Council Subcommittee's last report on the issue. He noted that the Los Altos School District Board members that had met with the Council Subcommittee consisting of himself and Councilmember Cheng, had requested a meeting in November at the conclusion of their

last meeting. He suggested that Council consider directing the City Manager to send a letter, on Council's behalf, to the District that expressed the Council's decision that they did not wish to meet until the District had a plan formalized to return public education to the Town. The second issue that he wished to discuss was a request from Roger Burnell, Public Education Committee Chair, that Warshawsky ask the District for supporting documentation for their statement that if they leased the Bullis site to the Bullis Charter School they would lose the site.

Council discussion ensued regarding meeting options. Mayor O'Malley suggested that it would be appropriate to inform the District that any future meeting should not be scheduled until the new Council is seated. Mayor Pro Tem Kerr suggested an open joint meeting of the Los Altos School District Board and the City Council.

PASSED BY CONSENSUS: To direct the City Manager to draft a letter on behalf of the Mayor requesting consideration of a joint meeting of the Los Altos School District Board of Trustees and the City Council after the new Council is seated in December. The purpose of the meeting would be to discuss the reopening of Bullis-Purissima Elementary School as a public school. The location of the meeting would be Bullis School.

Council discussed the request from Roger Burnell for further supporting information from the District regarding their comments on the lease to the Charter School. Councilmember Fenwick expressed his belief that it would be more appropriate for the Charter School to seek the information. Council agreed to wait for the joint meeting for any further discussions regarding the request.

OPENED PUBLIC COMMENT

Chris Vargas, Templeton Place, suggested that Council should take the initiative to define what public education is and lead the discussions rather than wait for action from the District.

Tamara Logan, Los Altos resident, explained that the Bullis Charter School had threatened the Los Altos School District with multiple lawsuits which is probably their reasoning behind their hesitancy to lease to the BCS.

David Coff, Los Altos resident, offered Council his suggestions for opening a neighborhood school in Los Altos Hills. He spoke to the difficulties of redistricting and the Los Altos School District's unchangeable position regarding negotiating with the Charter School. He believed this was due to BCS's numerous threats and challenges. Coff asked Council to listen to the School District's proposal to reopen Bullis as a small neighborhood school. He added that without Council's support and leadership, the School could not succeed. He urged the Council to keep their options open.

CLOSED PUBLIC COMMENT

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported that staff had been evaluating the option of a 9/80 workweek for Town Hall. A trial of the new hours would become effective November 1, 2004. Cassingham explained that the 9/80 schedule would permit longer customer service hours (7:30-5:30 Monday through Friday), permit staff to work more productively with one day off every other week, and would reduce staff commute trips to work. The trial schedule would coincide with the grading moratorium and would be for a three month period. Cassingham noted that if there were any problems within this period, staff would immediately review the program and if necessary return to the 40 hour work week. There has been good staff support for the schedule and staff has undergone cross training for cross-position coverage.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

None

10. PRESENTATIONS FROM THE FLOOR

OPENED PRESENTATIONS FROM THE FLOOR

CLOSED PRESENTATIONS FROM THE FLOOR

11. PUBLIC HEARINGS

11.1 Violation of Los Altos Hills Municipal Code Section 12-2.501: Removal of Trees in Anticipation of Development (Heritage Oak – multi stem 60" diameter) Lands of Elmberg, 26723 Taaffe Road (Parcel 4)

Public Safety Officer Steven Garcia introduced this item to Council. He presented a background summary of the Elmberg subdivision approval. The Planning Commission in 1986 had recommended approval for the Lands of Elmberg four-lot subdivision with the condition that the applicant enter into an agreement to preserve the significant mature oak trees on the lots, specifically the 30 inch tree on Parcel 4. The City Council approved the subdivision in July 1986 and pursuant to the Commission's recommendations, Mr. Elmberg prepared a Declaration of Covenants Conditions, Restrictions and Easements which was recorded by the County. In this document, Mr. Elmberg agreed to care for and preserve the mature oak trees and that no such tree would be removed or destroyed without the permission of the Town.

Garcia noted that he and Planning Director Cahill had meet with Elmberg's realtor, Ky Nyborg at the site in June, 2004 to discuss a large oak tree on parcel 4. Mr. Nyborg explained that the tree was interfering with the sale and development of the lot. Nyborg was told that it would require a public hearing before the Planning Commission and possibly the City Council to receive approval to remove the tree.

On August 31, 2004, the Sheriff alerted the Town that a large oak tree had been removed from the site. Garcia showed slides of the large tree with an eighty (80) foot diameter drip line and multi-stemmed trunk five feet in diameter. He had before and after pictures of the tree/stump. Garcia noted that no permit had been issued by the Town to remove the tree.

Garcia reviewed the staff recommendations for conditions upon future site development on Lot 4. They included: that the property owner or successive property owners must install and maintain two (2) 84" box Coast Live Oaks, a minimum of 21-feet tall, in the same location of the unlawfully removed heritage oak. The trees must be installed prior to the Town's acceptance or review of any plans or site development permit application. In addition to the trees, the property owner would be required to submit a landscape maintenance deposit in the amount of \$34,000. The deposit would be held by the Town for two years after the installation of the trees and only released if the trees were viable.

Planning Director Cahill explained that if Council approved the conditions, the Town would record them on the property and they would be transferable to any future owner. He noted that he had not seen any plan for the site that showed that the heritage oak tree would have impeded development.

OPENED PUBLIC HEARING

Council discussed the location of the replacement trees. Councilmember Cheng commented that if the applicant were permitted to plant the trees on the site in a location that was favorable to them, they would take better care of the trees, otherwise the trees could die and be removed legally. Councilmember Fenwick agreed that he would be inclined to place the replacement trees in a reasonable location.

CLOSED PUBLIC HEARING

REOPENED PUBLIC HEARING TO PERMIT PUBLIC TESTIMONY

Jill Jensen, Purissima Road, expressed her concern that this could set a precedent that would allow people to remove trees and just replace them in another more favorable place.

Chris Vargas, Templeton Place, voiced his support for the conditions as presented. He believed they were a reasonable set of consequences that were tough but flexible. He would not leave the location of the replacement trees to the property owner but to the discretion of the Planning Director.

Ky Nyborg, property owner's representative, addressed Council. He explained that the tree that had been removed was in terrible condition. The tree company's arborist, while pruning the tree, contacted the property owner and conferred that the tree had a large hole in it and reported that it would not survive. Based on that report, the tree was removed. Nyborg expressed his concern that if the property owner's are required to place the two replacement trees in the same location, the lot could not be developed.

Mayor O'Malley questioned why the property owner did not seek a permit from the Town before removing the heritage oak. Nyborg responded that the tree had been removed at the direction of his arborist.

Sandy Humphries, Fremont Road, explained that large holes in an oak tree do not necessarily mean that the tree would die. She referenced a tree on the Schreiner property in similar condition that is thriving.

Sue Sullivan, Campo Vista Lane, stated that she did not believe the explanation for the removal of the tree and noted its similarity to the Campbell-Ligeti's explanation that they had removed the historical home because of termites.

CLOSED PUBLIC HEARING

Council discussion ensued regarding the location of the replacement trees. Councilmember Warshawsky noted he agreed with the staff recommendations but would like to see the placement of the trees at the discretion of the Planning Director. Councilmember Cheng concurred that it would be appropriate for the staff and property owner to site the replacement trees. Planning Director Carl Cahill explained that he would recommend the trees not be located in the conservation easement on the lot. Mayor Pro Tem Kerr voiced his support for the trees being located in the same place and allowing the Planning Commission to review any changes to the location. He expressed his hope that any action taken by the Council not benefit the property owners for cutting down the tree. Councilmember Fenwick supported the concept of the staff and property owner deciding the placement of the trees. Mayor O'Malley commented that he could support the trees being sited with the approval of the Planning Director with the caveat that screening of the site be a factor in their location and they be placed in the level area. He agreed that the trees could be left to die if they were placed in an area that the property owners felt would be detrimental to the development of the site.

Councilmember Warshawsky requested consideration of a wider noticing area for the public hearing for site development, adding that the removal of the tree made the site more visible and removed substantial screening. He suggested 1000 feet. Planning Director Cahill agreed to note the file for an additional circumference to notice residents of any public hearings.

MOTION SECONDED AND CARRIED: Moved by Cheng, seconded by Warshawsky and passed by the following roll call vote to approve the proposed recommended conditions upon future site development on 26371 Taaffe Road (Lot 4) except as amended as follows: one (1) tree to be located within the drip line of the previous existing tree and one (1) tree to be planted in the flat portion of the lot. Final location for both trees subject to review and approval of the Planning Director.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Cheng,
Councilmember Fenwick and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

11.2 Appeal of the Planning Commission's Conditional Approval of a Request for a Site Development Permit for an 89-foot Retractable Antenna Tower with a 17-foot Mast and 50-foot Boom. The Planning Commission Limited the Antenna Height to 40 feet: Lands of Abraham, 12831 Viscaino Road (177-04)

Planning Director Cahill introduced this item to Council. He presented an overview of the project application to Council. Cahill explained that the item had been heard by the Planning Commission and after receiving public testimony, reviewing the staff report and the applicant's exhibits, the Commission agreed that the proposed 106 foot antenna would have significant impact on the views of certain neighbors and the structure was not consistent with the Town's rural residential character. The Planning Commission offered several compromises to the project, but the applicant rejected them. Cahill noted that the applicant believed it was his right, guaranteed by FCC law, to construct the antenna and that Federal law preempted the Town's code. The Planning Director added that the City Attorney's office had prepared a memo for the Planning Commission relating to this issue and it was attached to the staff report for Council's information. The City Attorney did find that the Town had a certain amount of discretion in reviewing the application and that the Town was only required to reasonably accommodate the applicant's request. The Planning Commission did approve the antenna subject to certain conditions including a 40-foot overall height limit and a relocation of the antenna.

OPENED PUBLIC HEARING

Jim Abraham, applicant-Viscaino Road, requested that the public hearing be continued to the December 2, 2004 City Council meeting. Abraham explained that the pictures and exhibits included in his submittal (dated 10/14/2004) were of the revised location as directed by the Planning Commission.

Jim Waschura, La Cresta Court, explained that he had corresponded to Council previously on this item as it related to the Federal preemption. He noted that 1) the antenna and tower would affect other residents adversely; 2) it was a legitimate role of the Council to protect aesthetics, views and home values in the Town; and 3) the City Council did have the authority to regulate the proposed antenna or tower. He would personally be affected by the Tower. It would be visible from his front and back yard and potentially would impact the views of many more residents. Waschura added that the proposed beam antennas were so large they would not fit into the multi-purpose room. He encouraged the Council to review the article he had sent to them titled "Antennas and the Law". He concluded that he believed there was case law that refuted Abraham's position that Federal law guaranteed his right to construct the antenna.

Chung Ho, La Cresta Drive, expressed his concern that there were health and safety issues created by the addition of another antenna in his neighborhood. He explained that there is already an antenna and the additional structure could increase the radiation levels.

Rob Leland, San Carlos, spoke on behalf of his mother who resides on La Cresta. He provided photos to Council that represented how a 40-foot tower would impact her views and the neighbors. He asked the Council to consider hiring an expert to conduct a

technical study to see if there was sufficient evidence that a tower of the proposed height was necessary. Leland suggested the tower be placed in the flat area on the applicant's property in front of his house to block his views.

Joan Corley, La Cresta Drive, voiced her opposition to the proposed 89 foot tower and the 70 footmast. The antenna would be very visible from her property and block her views. She noted that the steel tower was the equivalent of a ten story building. Corley added that the Town's View Ordinance suggested that residents consider their neighbors views when selecting and planting trees and hoped that the same consideration would be given to this application.

Chris Vargas, Templeton Place, explained that views are an incredible core asset of the Town and he encouraged the Council to consider their value in reviewing this application.

John O'Rourke, La Cresta Drive, commented that he had visited the site. He believed that the proposed tower would be visible throughout the lower parts of Los Altos Hills and have a significant impact on views. O'Rourke believed that the proposal should have a wider notice because it would impact the entire Town.

Sandy Humphries, Fremont Road, shared with Council the problems that a neighbor of an antenna experiences with television and telephone reception. She questioned if this impact should be considered by Council. Humphries added that the quality of life of residents was an important factor that should be considered by Council when reviewing the application.

Anais Liu, La Cresta, stated that she respected the applicant's hobby but if the height of the tower were a requirement for emergency purposes, Town Hall would be a more appropriate location.

Anna Yu, La Cresta Drive, addressed Council. She has been a neighbor of the applicant for many years and spoke to their good relationship. Yu appreciated Abraham's volunteer contributions to the Town. She noted that the proposed tower would be visible from her front window. The Yu's purchased their home for the beautiful views. She thanked the Councilmembers who had visited the site. Yu explained that she was very concerned about their homes property value be affected by the antenna and strongly opposed the project.

Adler Yu, La Cresta Drive, expressed his belief that the story pole for the project had been located in the wrong place and was very misleading. He added that it did not clearly represent the height of the fully extended tower. He would like to see the pole at 106 feet, the height of the proposed antenna. Yu strongly opposed the project.

Jim Abraham, applicant, explained that the story pole on his property was located at the revised site as recommended by the Planning Commission. He is agreeable to the location but is protesting the Commission's restriction to the height.

Planning Director Cahill noted that consideration had been given to how best represent the height of the antenna but it was difficult to have an accurate depiction. Staff had

requested the applicant prepare photo-sims. Council suggested that Staff take neutral photos from different vantage points to represent views from the neighbors' properties for the December 2, 2004 hearing.

Jean Mordo, Planning Commissioner, cautioned the Council to make sure they have supportable legal grounds to deny the application and not be faced with a future lawsuit.

Town Resident, explained he had not received a notice but had been alerted to the hearing by a notice that was provided by a neighbor. He did not believe that the notice had been sufficient and because of the height of the structure, a town wide notice would be appropriate. He believed it would impact numerous residents views and he expressed his concerns on the possible health issues that could be caused by the tower.

Nancy Ginzton, Natoma Road, suggested that a computer contour map program might be of value in determining the true site.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to continue the public hearing on the appeal of the Planning Commission's Conditional Approval of a request for a Site Development Permit for an 89-foot retractable antenna tower with a 17-foot Mast and 50-foot Boom; Lands of Abraham, 12831 Viscaino Road (177-04) to the December 2, 2004 City Council Meeting.

Council briefly discussed the notice requirement for the hearing. Planning Director Cahill explained that with controversial hearings, neighbors alert each other of the project. Cahill explained that 500 feet is the standard notice parameter. Council offered that the project had received publicity and there was considerable time before the continued hearing.

Mayor Pro Tem Kerr requested additional technical information be provided to Council on the necessity of the wide beam and the advantage of the 106 foot height for the tower.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adjourn to Closed Session at 9:14 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Town of Los Altos Hills v. Los Altos School District

The City Council reconvened to the Regular City Council Meeting at 9:25 p.m.
No action was taken.

13. ADJOURNMENT

There being no further business, the Regular City Council Meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the October 21, 2004 Regular City Council Meeting were approved as presented at the November 4, 2004 Regular City Council Meeting.